

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

TROY MARTIN,

Petitioner,

v.

CLAUDIA BALDUCCI,

Respondent.

NO. C12-2016-RSL-JPD

**REPORT AND  
RECOMMENDATION**

Petitioner Troy Martin seeks 28 U.S.C. § 2254 habeas relief from the revocation of his probation in October 2012. (Dkt. 3; *see* Dkt. 4 (construing petition as filed pursuant to § 2254 and substituting respondent).) Respondent argues that the habeas petition should be dismissed as mooted by Mr. Martin's release from custody or for failure to exhaust state-court remedies. (Dkt. 10.) The Court recommends **DISMISSING** Mr. Martin's § 2254 habeas petition without prejudice because he has not exhausted his state-court remedies. 28 U.S.C. § 2254(b)(1)(A). The Court recommends **DENYING** issuance of a certificate of appealability because Mr. Martin cannot show a debatably valid claim of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

**I. DISCUSSION**

Respondent argues that the habeas petition is moot because although Mr. Martin filed the petition while incarcerated in November 2012, he was released in December 2012. This



1 The Court recommends DENYING issuance of a certificate of appealability because Mr.  
2 Martin cannot show a debatably valid claim of the denial of a constitutional right. *See* 28  
3 U.S.C. § 2253(c)(2).

4 DATED this 9th day of May, 2013.

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6 JAMES P. DONOHUE  
7 United States Magistrate Judge  
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